

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

KEITH EGGUM,

Petitioner,

v.

Case No. 18-CV-1111

GARY BOUGHTON,

Respondent.

RECOMMENDATION FOR DISMISSAL OF PETITION

Keith Eggum, who is currently incarcerated at the Wisconsin Secure Program Facility, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Docket # 1.) In his petition, Eggum asks to waive costs and fees. (*Id.* at 1.) Eggum was sent a letter dated July 18, 2018 asking him to either pay the \$5.00 filing fee or complete and sign a request to proceed without prepaying the filing fee within twenty-one days. (Docket # 3.)

On August 16, 2018, Eggum was ordered to either pay the \$5.00 filing fee or complete a request for leave to proceed without prepayment of the filing fee. (Docket # 5.) Eggum was warned that failure to comply with the order would result in dismissal of his habeas petition. (*Id.*) Rather than filing the requested documents, Eggum filed a motion on August 27, 2018 asking to grant a “stay of abeyance in my habeas corpus petition #18-CV-1111 through October, as I attempt to Randy Bryce (misappropriate) compain [sic] finances to avoid official papuer-dom.” (Docket # 6.) Eggum further requests the appointment of counsel and for the court to circulate his campaign materials. (*Id.*) Because Eggum has not paid the filing fee or requested leave to proceed without prepayment of the fee, under Rule 41(c) of the Eastern District of Wisconsin’s Civil Local Rules, a

court may enter an order of dismissal whenever it appears that a plaintiff is not diligently prosecuting the action. Eggum was warned that failure to comply with the August 16, 2018 order would result in dismissal of his petition. For these reasons, it is recommended that Eggum's petition for writ of habeas corpus be dismissed without prejudice for failure to diligently prosecute.¹

NOW, THEREFORE, IT IS RECOMMENDED that Eggum's petition be dismissed without prejudice.

Your attention is directed to General L.R. 72(c), 28 U.S.C. § 636(b)(1)(B) and Federal Rules of Criminal Procedure 59(b), or Federal Rules of Civil Procedure 72(b) if applicable, whereby written objections to any recommendation or order herein, or part thereof, may be filed within fourteen days of the date of service of this recommendation or order. Objections are to be filed in accordance with the Eastern District of Wisconsin's electronic case filing procedures. Courtesy paper copies of any objections shall be sent directly to the chambers of the district judge assigned to the case. Failure to file a timely objection with the district court shall result in a waiver of a party's right to appeal. If no response or reply will be filed, please notify the Court in writing.

Dated at Milwaukee, Wisconsin this 31st day of August, 2018.

BY THE COURT

s/Nancy Joseph

NANCY JOSEPH

United States Magistrate Judge

¹ Because the respondent has not yet appeared and had an opportunity to consent or refuse magistrate judge jurisdiction, I issue a report and recommendation regarding the screening of Eggum's petition. *See Coleman v. Labor and Industry Review Commission*, 860 F.3d 461(7th Cir. 2017).